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**From:** Hage, Christopher [hage.christopher@epa.gov]  
**Sent:** 1/28/2019 11:38:39 PM  
**To:** Herrera, Angeles [Herrera.Angeles@epa.gov]  
**Subject:** Re: Hunters Pt - Time Urgent

Thank you.

Sent from my iPhone

On Jan 28, 2019, at 2:51 PM, Herrera, Angeles <[Herrera.Angeles@epa.gov](mailto:Herrera.Angeles@epa.gov)> wrote:

FYI...

Sent from my iPhone

Begin forwarded message:

**From:** DanielHirsch <[dhirsch1@cruzio.com](mailto:dhirsch1@cruzio.com)>  
**Date:** January 28, 2019 at 2:16:02 PM PST  
**To:** "Herrera, Angeles" <[Herrera.Angeles@epa.gov](mailto:Herrera.Angeles@epa.gov)>  
**Subject:** Re: Hunters Pt - Time Urgent

Thanks. See you there.

On Jan 28, 2019, at 2:14 PM, Herrera, Angeles  
<[Herrera.Angeles@epa.gov](mailto:Herrera.Angeles@epa.gov)> wrote:

Thanks Dan!

I plan to attend tonight's meeting and I will follow up with you afterwards.

Thanks. Angeles

-----Original Message-----

From: DanielHirsch <[dhirsch1@cruzio.com](mailto:dhirsch1@cruzio.com)>  
Sent: Monday, January 28, 2019 2:10 PM  
To: Herrera, Angeles <[Herrera.Angeles@epa.gov](mailto:Herrera.Angeles@epa.gov)>; LEE, LILY  
<[LEE.LILY@EPA.GOV](mailto:LEE.LILY@EPA.GOV)>; Lane, Jackie <[Lane.Jackie@epa.gov](mailto:Lane.Jackie@epa.gov)>;  
Yogi, David <[Yogi.David@epa.gov](mailto:Yogi.David@epa.gov)>; Chesnutt, John  
<[Chesnutt.John@epa.gov](mailto:Chesnutt.John@epa.gov)>; Walker, Stuart  
<[Walker.Stuart@epa.gov](mailto:Walker.Stuart@epa.gov)>; Manzanilla, Enrique  
<[Manzanilla.Enrique@epa.gov](mailto:Manzanilla.Enrique@epa.gov)>

Subject: Hunters Pt - Time Urgent

We have reason to believe that the Navy may have been less than candid with EPA—and the public—on a matter of some importance related to the cleanup of Hunters Point Shipyard. We want to give EPA an opportunity to learn about the information that it may not have been provided by the Navy before EPA makes its decision whether to sign off on the Navy's requests on this issue.

We are making a presentation tonight at 6:00 pm at the Hunters Point Citizens Advisory Committee meeting, 451 Galvez Ave, Suite 100, San Francisco, and will be summarizing some of the information we believe the Navy has not provided EPA. We understand EPA often attends those meetings; if so, we wanted to make ourselves available briefly after the meeting to provide a bit more detail about these matters that the Navy may not have fully disclosed and which are central to the decision EPA may shortly have to make whether to sign off on Navy claims key to the adequacy of cleanup decisions. [We recognize that this is the first day EPA is re-opened after the government shutdown.]

Whether you attend or not, we also want to try to arrange for EPA to consider our forthcoming detailed written report on these issues before EPA makes any sign-off decision on the Navy's requests, and an opportunity to discuss with us the implications once you have reviewed the report. Finalization of our report, fourth in the series, awaits release and our review of the Navy's PRG claims, as discussed below.

EPA—and we—have for a year been telling the Navy that it needs to include in its draft Five Year Review (and draft Parcel G retesting plan) a thorough analysis of the old cleanup standards it has been using at HPS by running EPA's current Preliminary Remediation Goal (PRG) calculators. The Navy refused to do this in its draft retesting plan and its revised draft retesting plan, and most importantly, in its draft Five Year Review issued for public and agency review and comment in July. In response to the criticism, we understand the Navy says it will include its claims about PRG calculations in a revised draft Five Year Review. It said it would release that months ago; the date kept slipping; and as of today, it has still not been made public.

Furthermore, the Navy has refused repeated requests that the revised draft Five Year Review be subject to formal public comment. EPA CERCLA procedures—and the particular heightened concerns related to HPS in the wake of recent events—require the opportunity for thorough independent assessment. We

are concerned that the Navy is trying to bypass those requirements and get EPA to sign off on what we have reason to believe will be highly erroneous PRG calculations, based on misrepresentations by the Navy to the EPA about its rationale for turning off key defaults in the EPA calculators.

To date, the Navy has only released a few sketchy numbers it claims are the result of its PRG runs, without disclosing how it changed the default inputs to get those values. Those outputs for contaminated soil are orders of magnitude less protective than the EPA default PRGs. We will not know for sure how they came up with such extraordinarily weak figures until the full calculations are released, but we have some indications. The changes the Navy appears to have made to EPA's defaults are technically inappropriate, and EPA could sign off on them only if certain key facts about the Navy's Hunters Point remediation plans were not fully disclosed to EPA.

We therefore respectfully suggest:

1. Attend our CAC presentation tonight, if possible, where we will summarize briefly some of this missing information.
2. Ask the Navy to publish with a formal comment period its revised draft Five Year Review, which will contain for the first time its PRG calculations. Those should have been in the earlier draft released for comment, but weren't, so there must be a formal opportunity for independent review.
3. Do not approve the Navy's PRG calculations until EPA has had an opportunity to review thoroughly those comments.
4. If there is no formal comment period, we will nonetheless finalize our report and get it to EPA. We ask that EPA review it—and discuss it with us—prior to any decision whether to sign off on the Navy's PRG claims.

This is critical because if the cleanup standards employed at HPS are not appropriate, substantial risk could be imposed.

Furthermore, because of the Tetra Tech and related scandals, there is significant media and public scrutiny. It is, frankly, both in the public interest of terms of public health protections and the institutional interests of EPA for EPA to have fully considered these key matters, including the accuracy of Navy representations, before signing off on the Navy claims.

With best wishes,

Daniel Hirsch